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Melissa E. Newman
Vice President-Federal Regulatory

April 8A, 2003

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Re: WC Docket No. 03-11; Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services In New Mexico, Oregon and South Dakota

Dear Ms. Dortch:

On April 7, Melissa Newman, Dan Poole, Loretta Huff and Chris Viveros of Qwest and Linda Oliver of Hogan and Hartson, LLC, met in four separate meetings with Jessica Rosenworcel, Dan Gonzalez, Lisa Zaina and Matt Brill on Qwest's section 271 application in the above captioned docket.

In particular, Qwest discussed the issues in the attached ex partes. Ex Parte Letter to Marlene H. Dortch, Secretary, FCC, WC Docket No. 03-11 – Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in New Mexico, Oregon and South Dakota, April 4D, 2003; Ex Parte Letter to Marlene H. Dortch, Secretary, FCC, WC Docket No. 03-11 – Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in New Mexico, Oregon and South Dakota, April 3, 2003.

As we stated in the April 4D, 2003 ex parte, there are at least 278 CLEC provided UNE-P residential lines in service in New Mexico as of March 31, 2003 based on residential white pages directory listings associated with UNE-P lines in service. Also, we noted that from March 22 through April 4, 2003, Qwest has processed over 700 additional UNE-P orders for New Mexico from just one CLEC and that CLEC has identified the type of service on all of these orders as single line residential.

During these meetings, Qwest was requested to provide citations to the Commission's application of the "more than de minimis" standard of competition to be applied in the Track A analysis. The Commission recently has provided helpful guidance regarding the "more than de minimis" standard. See New Jersey 271 Order, 17 FCC Rcd at 12281-83 ¶¶ 11-13 & nn.33, 41; Vermont 271 Order, 17 FCC Rcd at 7629-31 ¶¶ 10-12 & n.28. In New Jersey, a state with a

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population in excess of 8 million¹ people, three CLECs provided a total of approximately 2,200 facilities-based residential access lines. New Jersey 271 Order at n.33. The Commission determined that the presence of any one of these three CLECs, taken alone, would satisfy Track A. *Id.* at n.41. In other words, one CLEC with no more than 733 residential access lines was found to be sufficient to meet the Track A “more than de minimis” standard for New Jersey. Furthermore, the Commission held that the 345 residential customers served by CLECs in Vermont satisfied the “more than de minimis” standard of competition. See Vermont 271 Order, 17 FCC Rcd at 7630-31 ¶ 11 & n.28. The New Mexico Track A evidence presented by Qwest surpasses the more than de minimis standard.

The twenty-page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,

/s/

Melissa Newman

Copy:

M. Brill
D. Gonzalez
C. Libertelli
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J. Myles
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¹ As of April 2000, the total population of New Mexico was 1,819,046, versus 8,414,350 for New Jersey. *See* United States Census Bureau, Ranking Tables for States: Population in 2000 and Population Change from 1990 to 2000 (PHC-T-2). This information can be located at www.census.gov/population/cen2000/tab02.pdf. *See also* Declaration of David L. Teitzel, State of Local Exchange Competition, Track A and Public Interest Requirements (“Teitzel Decl.”), Att. 5, App. A, ¶ 45 & nn.59-61.